

ASSEMBLY BILL

No. 1659

Introduced by Assembly Member Chau

February 12, 2014

An act to amend Section 430.30 of the Code of Civil Procedure, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 1659, as introduced, Chau. Civil actions: objections to pleadings.

Under existing law, a party in a civil action may object to a complaint, cross-complaint, or answer by demurrer if the ground for the objection appears on the face of the pleading or is from a matter of which the court must or may take judicial notice. If the ground for the objection does not appear on the face of the pleading, existing law permits the objection to be taken by answer. Existing law permits a party objecting to a complaint or cross-complaint to demur and answer at the same time.

This bill would require that, before filing a demurrer, the demurring party meet and confer with the opposing party, and file a declaration with the demurrer showing a reasonable and good faith attempt at an informal resolution of each issue presented in the demurrer.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 430.30 of the Code of Civil Procedure
2 is amended to read:

1 430.30. (a) When any ground for objection to a complaint,
2 cross-complaint, or answer appears on the face thereof, or from
3 any matter of which the court is required to or may take judicial
4 notice, the objection on that ground may be taken by a demurrer
5 to the pleading.

6 (b) When any ground for objection to a complaint or
7 cross-complaint does not appear on the face of the pleading, the
8 objection may be taken by answer.

9 (c) A party objecting to a complaint or cross-complaint may
10 demur and answer at the same time.

11 (d) *Before filing a demurrer, the demurring party shall meet*
12 *and confer with the opposing party and shall file a declaration*
13 *concurrently with the demurrer evidencing a reasonable and good*
14 *faith attempt to resolve informally each issue presented by the*
15 *demurrer.*